

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 7 March 2017

Public Authority: Mendip District Council
Address: Cannards Grave Road
Shepton Mallet,
BA4 5BT

Decision (including any steps ordered)

1. The complainant requested an electronic copy of a particular report held by Mendip District Council (the council).
2. The Commissioner's decision is that the council has breached section 10 (1) of the FOIA because it did not provide a response to the request within 20 working days. The council has now responded and the Commissioner does not require it to take any further steps.

Request and response

3. On 18 April 2016 the complainant wrote to the council and requested information in the following terms:

With regard to [council officer A's] report 2015/0463 [council officer B] was unable/refused to supply the location on the MDC website where the report/papers and decision rational was published.

Please can you supply this information and an electronic copy or link to the original document so that I can communicate this to Councillors by electronic means.'

4. The council failed to provide a response to the request.
5. During the course of our investigation, on 27 September 2016, the council provided the complainant with a copy of the report in an electronic format.

Scope of the case

6. The complainant contacted the Commissioner on 16 August 2016 to complain about the way his request for information had been handled.
7. The council had originally supplied the complainant with a copy of the report in paper format. The council also confirmed that it had not published this report and it was not available on its website.
8. The complainant then submitted a new request for a copy of the report in an electronic format on 18 April 2016.
9. Following the Commissioner's intervention, on 27 September 2016 the council provided the information to the complainant.
10. The complainant asked the Commissioner to formally record the council's delay in disclosing the relevant information.

Reasons for decision

11. Section 1 (1) of the FOIA states that an individual who asks for information is entitled to be informed whether the information is held, and, if the information is held, to have that information communicated to them.
12. Section 10 (1) of the FOIA states that a public authority must respond to a request promptly and "no later than the twentieth working day following receipt".
13. The complainant made his request for information on 18 April 2016. The Commissioner wrote to the council on 26 September 2016 and it disclosed the requested information on 27 September 2016.
14. The Commissioner is satisfied that this disclosure falls outside of the 20 working days from the date the request was received on 18 April 2016.
15. In this case the council has breached section 10(1) of the FOIA by failing to respond to the request within 20 working days.

Right of appeal

16. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)
GRC & GRP Tribunals,
PO Box 9300,
LEICESTER,
LE1 8DJ

Tel: 0300 1234504

Fax: 0870 739 5836

Email: GRC@hmcts.gsi.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

17. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.
18. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Signed

Andrew White
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Water Lane
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Cheshire
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